ORANGE COUNTY
SHERIFF'S DEPARTMENT

SHERIFF-CORONER DON BARNES

Commendation / Complaints Reporting System Summary

Tracking # 2020-01467

Summary

Report Type	Personnel Complaint	Citation #	Sergeant	Joe Vollmer
Complaint Type	Discourtesy	Related DR	Lieutenant	MATTHEW MC DANIEL
Received On	4/1/2020		Captain	Jeffrey Puckett
Method Received	Mail			

Event Location

Event Location	Walmart
Address/Cross Street	27470 Alicia Pkwy
Event City	Laguna Niguel
Zip Code	92677
Date	3/28/2020

Reporting Party

Reporting Party Type	Private Person
Name	[redacted]
	Other Address
Address	[redacted]
City	Mission Viejo
Zip	92692
Email	
Phone	[redacted]
Was the RP at the Incident	
RP discouraged from Reporting	No

Involved Party

Involved Party Type	Same as Reporting Party
Name	
Address	
City	
Zip	
Email	
Phone	

ORANGE COUNTY
SHERIFF'S DEPARTMENT

SHERIFF-CORONER DON BARNES

Event Narrative

[redacted] was upset with Walmart employee/s for not accepting his faulty car battery. OCSD was notified and Deputy Pacini responded. Deputy Pacini explained the situation to [redacted]; however, [redacted] sounded upset and angry by the intense tone in his voice and continued to challenge Deputy Pacini about his battery. Deputy Pacini raised his voice directing [redacted] to leave and later said, "All week I've been dealing with pissed off customers causing problems during the China Virus. Now, I'm dealing with you. Get out of the store." [redacted] took offense to this statement and claimed it was racist. Deputy Pacini asked a female Walmart employee if she wanted [redacted] arrested if he returned to the store and she said, "Yes." [redacted] stated he knew the mayor of the city and would have Deputy Pacini fired.

Due to COVID-19 events, including the global awareness of it originating from Wuhan, China and news outlets referring to the disease as the "China Virus", I believe Deputy Pacini conducted himself within policy. No further action required.

Was a Sergeant / Supervisor on scene No
Sergeant / Supervisor

LT Narrative

I have reviewed the submitted complaint from [redacted] Sergeant Woodroof's summary and the pvs recording of the contact. After review, I find Deputy Pacini's conduct was within policy and no further action is necessary.

The call Deputy Pacini responded to was for a male subject who was 415V in the auto center area of Walmart. The call further indicated the subject is refusing to leave. Deputy Pacini first contacted the subject 13 minutes after the original call and the subject was still inside the Walmart. Deputy Pacini had a quick discussion with the subject about how he can remedy his situation. The subject again questions Deputy Pacini as to why he has to leave the store. Deputy Pacini now tells him to leave and while they were walking out, Deputy Pacini says, "All week I've been dealing with pissed off customers causing problems during the China virus." This incident took place on March 28th, and between March 20th and 30th, the President of the United States was referring to the pandemic as the "China Virus." [redacted] immediately accused Deputy Pacini of making a racist statement and told him he was going to report Pacini to the mayor. He later told him he would be fired. In his complaint, [redacted] states, that he (Pacini) made a racial slur and said Pacini stated, "I have better thing to than to deal with your china virus." Deputy Pacini never said "your china virus" to [redacted] or attributed anything racist toward [redacted] Pacini stated only that customers have been causing problems during the pandemic.

Deputy Pacini's conduct was within policy and no further action is necessary.

Captain Notes

Although it is true President Trump did indeed coin the term "China Virus", use of this term does not hold with the values of OCSD. I believe there are potential policy violations in use of this term, and it certainly damages community relations. However, Deputy Pacini has no previous internal affairs investigations and is considered an employee in good standing.

Following progressive discipline, Deputy Pacini will be verbally reprimanded by Lieutenant McDaniel regarding this incident. This will be documented in a performance note. Further incidents of this type could lead to discipline up to and including termination.

Involved Employees

Employee	Sgt. Recommendation	Lt. Recommendation	Cpt. Determination
MIKE PACINI	Conduct within Policy	Conduct within Policy	Performance Note Sent to File